

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.106 Review of apportionment by arbitration board; claim for review; nomination and selection of board members; meeting; notice; election of chairperson and secretary; adjournment; findings.

Sec. 106. If the drain commissioner of a county involved considers the apportionment between the counties to be unfair, the commissioner shall have the right to have the apportionment reviewed by an arbitration board to be composed of drain commissioners from unaffected counties in this state. Within 20 days after the order of apportionment provided in section 105, the commissioner shall file with the department of agriculture a claim for review by arbitration in which the commissioner shall state briefly in what respect he or she considers the apportionment unfair and request, over the commissioner's official signature, a review by arbitration. The commissioner shall nominate a disinterested drain commissioner as his or her choice for the arbitration board. Upon receipt of the claim for review by arbitration, the director of the department of agriculture or the director's deputy shall forward to each county drain commissioner involved, except the claimant, within 10 days, a copy of the claim for review by arbitration. The commissioners, within 10 days, shall notify the department of agriculture of their selection to the arbitration board. The director of the department of agriculture, at the earliest date, consistent with Act No. 267 of the Public Acts of 1976, but not later than 30 days after the notice, shall notify the chosen drain commissioners of a date and time they shall meet in the commissioner's office in Lansing. At the meeting they shall select 1 or 2 more unaffected drain commissioners in the state to complete the board of review. Only 1 shall be selected if the board members selected by the drain commissioners affected constitute an even number and 2 shall be selected if the board members selected by the drain commissioners affected constitute an odd number. Upon selection of the final members of the board of review, those members present shall set a date, time, and place in an affected county for a first full meeting of the board of review. Notice of the meeting shall be posted in 5 public places in each county affected and be served personally or by registered mail at least 10 days before the meeting on the county clerk of the county and the supervisor of a township in each county traversed by the drain. A notice of the meeting shall be published once a week for 2 consecutive weeks before the meeting in a newspaper published and of general circulation in the counties affected. The first publication is to be at least 10 days before the meeting. The director of the department of agriculture shall notify the 1 or 2 drain commissioners selected of their appointment and of the date, time, and place of the next meeting of the full board. The board of arbitration shall convene at the time, date, and place specified, elect a chairperson and secretary, and review the fairness of the apportionment between the counties. The board may adjourn until their review is completed. The findings shall be made and signed by all the members attesting the determination of the majority of the board and the determination by the majority of the board shall be final and conclusive as to the fairness of the apportionment.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1978, Act 235, Imd. Eff. June 15, 1978.

Popular name: Act 40